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*Attorneys for Plaintiff SmartMetric, Inc.*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SMARTMETRIC, INC.,

Plaintiff,

v.

MASTERCARD INTERNATIONAL  
INCORPORATED AND VISA INC.,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. 11-CV-7126 MWF (AJWx)

DECLARATION OF PATRICK BRIGHT  
SUPPLEMENTING SMARTMETRIC  
INC.'S OPPOSITION TO DEFENDANTS'  
JOINT EX PARTE APPLICATION TO  
EXCLUDE THE REPORT AND  
DECLARATION OF PLAINTIFF'S  
EXPERT EDWARD GUSSIN FILED IN  
SUPPORT OF PLAINTIFF'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT  
OF INFRINGEMENT OF U.S. PATENT  
6,792,464 CLAIMS 1, 5-7, 11, AND 13,  
AND FOR DISMISSAL WITH  
PREJUDICE OF THE ANTICIPATION  
AFFIRMATIVE DEFENSE

Date: March 28, 2013

Time: None

Place: 1600 Spring, Court of District Judge  
Michael W. Fitzgerald

I, Patrick F. Bright, declare that:

1. I am trial counsel for Smartmetric, Inc. in the captioned case. I make this supplemental declaration in support of Smartmetric's opposition to Defendants' application to exclude the report (the "report") of Edward L. Gussin dated March 1, 2013, on the infringement and validity issues in this case, and the Gussin

1 declaration filed in support of Smartmetric's motion for partial summary judgment  
2 on 3/11/2013. Defendants have noticed Mr. Gussin for deposition on March 27,  
3 2013.

4 2. On March 28, 2013, Defendants VISA and MasterCard deposed Edward  
5 Gussin under Fed. R. Civ. P. Rule 30 (b)(6) on the topics of infringement and  
6 validity in this case. During this deposition, Defendants marked and examined Mr.  
7 Gussin on his March 1, 2013 report on these same topics, and on his declaration  
8 filed in support of Plaintiff's pending motion for partial summary judgment. I  
9 defended this deposition.

10 3. At the end of the deposition, Defendants said they had concluded their  
11 examination of Mr. Gussin. Defendants' assertion of alleged prejudice from the  
12 tardiness of Mr. Gussin's report was therefore dissipated.

13 4. I have agreed to continue with, and conclude the deposition of Chaya  
14 Hendrick in late April, 2013, at Defendants' convenience, to preclude any further  
15 assertions of prejudice.

16 Executed under penalty of perjury under the laws of the United States of  
17 America at Glendale, CA on March 28, 2013.

18   
19 Patrick F. Bright